

**PAM PRACTICE BUREAU**

**CATEGORY A: ARCHITECT'S PRACTICE [ARCHITECT'S ACT, ARCHITECT'S REGULATION, ARCHITECT'S APPOINTMENT, SOMF, LAM GENERAL CIRCULARS]**

No.	DATE	ENQUIRY	RESPONSE FROM TEAM
1.	14 July 2021	<p>We would inquire about the permissible fees charged by your association with respect to work done by an architect.</p> <p>The facts of the case are as follows: Our initial plans were to build a water park.</p> <p>We have appointed an Architect in which the job scope is to ensure that the architect's work complies and for submission with the following authorities:</p> <ul style="list-style-type: none"> <li>• Bomba Department fire safety</li> <li>• Local council requirement</li> <li>• Building by law</li> </ul> <p>The mode of payment (to be paid upon completion of each phase)</p> <ol style="list-style-type: none"> <li>1. schematic design phase (upon BP submission) - 15%</li> <li>2. design development phase (upon BP approval) - 30%</li> <li>3. contract documentation phase - 5%</li> <li>4. contract implementation and management phase (prior application of OP) - 45%</li> <li>5. final completion phase (upon complication (upon OP issuance) - 5%</li> </ol> <p>The water theme park was still under design but not finalized.</p> <p>Later, the management decided not to proceed with the water theme park. As such, construction has never commenced.</p>	<p>We refer to your email dated 14 July 2021, please refer to our reply as follows:</p> <p>First of all, we would like to highlight to you that, in Malaysia, it is mandatory for the appointment of a Professional Architect to fully comply with Architects Act 1967, which consists of the Conditions of Engagement (Architect Rules 1996) and the Architect (Scale of Min. Fees) Rules 2010 ('SOMF').</p> <p>The mode of payment as stated in your email was not fully consistent with that in the SOMF and since there was no complete letter of appointment furnished by you, we shall advise you based on the principles in the SOMF.</p> <p>Note that, with reference to Rule 23(7) in the SOMF, the appointed Professional Architect shall be paid in respect of services rendered under a phase, whether the said phase is fully completed or not.</p> <p>In your case, unless there was any other condition as agreed, i.e.- calculation to determine the scope or cost of works, etc; you should pay the Architect in full upon completion of the BP submission and/or official BP approval. However, if the specific phase was not fully completed, then you should pay the Architect partially for the works rendered for the phase.</p> <p>For the purposes of partial payment, the Architect should prepare his claim based on the work cost calculation method as agreed in the appointment, i.e.- time cost to prepare the BP drawings, printing, transportation, etc.</p> <p>Practically, we strongly advise both parties to be fully guided by the agreed conditions of the appointment, respect the contract, and reach an amicable resolution.</p>

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<b>No.</b>	<b>DATE</b>	<b>ENQUIRY</b>	<b>RESPONSE FROM TEAM</b>
		<p>We seek advice as to whether there is a need to pay in the full amount of the agreed sum as up to <u>item 2</u> of the above since the architect has never designed the plan by reason that there are specialist designers have been appointed.</p> <p>But the architect needs to ensure the designs are compliant and for submission to the relevant authority.</p>	<p>If you would like to find out more about SOMF and other regulations as stated above, please contact Lembaga Arkitek Malaysia at E: <a href="mailto:info@lam.gov.my">info@lam.gov.my</a>, O: 03 2698 2878, as they are the regulatory body for all Professional Architects in Malaysia, unlike the Pertubuhan Akitek Malaysia (PAM) which is a private institution of architects in Malaysia.</p> <p>For further details on PAM, please click on <a href="http://www.pam.org.my/the-institute/about-us.html">www.pam.org.my/the-institute/about-us.html</a>.</p>